

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Jordan Mann,)	
)	CIVIL ACTION NO.
)	
Plaintiff,)	07-CV-5691 (NRB/DF)
)	
v.)	
y)	
)	NOTICE OF MOTION
Plus One Fitness; Trump World)	UNDER RULE 37(b)(2)(A)
Towers; “Robert” Doe;)	TO PRECLUDE OR
Jamie MacDonald;)	UNDER RULE 37(a) TO
Does 1 – 10 inclusive,)	COMPEL
)	
Defendant(s).)	
)	

TO: LAW OFFICE OF UWEM UMOH
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COPY TO: LESTER SCHWAB KATZ & DWYER, LLP
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PLEASE TAKE NOTICE that, under Fed. R. Civ. P. 37, Defendants Plus One Holdings, Inc. s/h/a/ Plus One Fitness, and Jamie Macdonald (henceforth “the Plus One Defendants”) will move before the Hon. Naomi Reice Buchwald for an order under Fed. R. Civ. P. 37(b)(2)(A) for an order of preclusion, or under Rule 37(a) for an order compelling discovery. In support of their motion, the Plus One Defendants will rely upon

the accompanying Certification of Deborah Martin Norcross, Esq. and Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that any opposition to this motion must be filed within four (4) days of the service hereof.

Respectfully submitted,

MARTIN NORCROSS LLC

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-and-

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By: /s/ Deborah Martin Norcross
Deborah Martin Norcross (DN0289)

ATTORNEYS FOR DEFENDANTS PLUS
ONE HOLDINGS, INC. and JAMIE
MACDONALD

Dated: August 28, 2008

CERTIFICATE OF SERVICE

I certify that I served the foregoing RESPONSE on Counsel for Plaintiff and Counsel for Co-Defendants Board of Managers of Trump World Tower Condominiums and John Henriques on August 28, 2008 by electronic mail as follows:

LAW OFFICE OF UWEM UMOH
Counsel for Plaintiff
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/s/ Deborah Martin Norcross
Deborah Martin Norcross (DN0289)

Dated: August 28, 2008